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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/525,056

02/18/2005

Jean Pierre Bertin

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04/19/2006

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PATENT OPERATIONS
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EXAMINER

LABAZE, EDWYN

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/525,056

Applicant(s)

BERTIN, JEAN PIERRE 

Examiner

EDWYN LABAZE

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2182005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of amendments for IDS filed on 2/18/2005.
2. Claims 1-9 are presented for examination.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

4. Claims 1-2 is objected to because of the following informalities:

Re claims 1-2 (page 9, lines 7, 12): The applicant recites the limitations "in case of" such limitation renders the claimed language vague and indefinite. The applicant is respectfully requested to substitute "in case of" with "when" so as to emphasize the

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Devin et al. (U.S. 6,621,720).

Re claim 1: Devin et al. discloses voltage production circuit, which includes an appliance {herein interpreted as} comprises an overload protection circuit {herein interpreted as the high voltage detection circuit 60} (col.4, lines 52+), which simulates an IC card {herein a smart card} extraction {herein the claimed invention does not further define the extraction means, and as broadly interpreted extraction could occur in both contact and non-contact communications reading devices} in case of an overload of the supply voltage 98 {as shown in fig. # 4} (col.2, lines 49+; col.5, lines 44-55).

Re claim 2: Devin et al. teaches an apparatus, wherein the reader comprises a card presence switch, and that when an overload of a supply voltage, the overload protection circuit changes a card detected signal {through detector 10} from positive {herein logic "1"} to negative {herein a logic "0"} for stimulating an IC card extraction (col.7, lines 20-67).

Re claim 3: Devin et al. discloses an apparatus, wherein the overload protection circuit is coupled to the card presence switch 50 and the supply voltage 98 for a detection of an overload of the supply voltage (col.6, lines 36-67; col.7, lines 1+).

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Re claims 4-5: Devin et al. teaches an apparatus, wherein the overload protection circuit comprises a diode 90-92, a comparator 80 or a switch 50, being arranged for detecting a voltage breakdown of the supply voltage 98 (col.5, lines 5, lines 10-55; col.7, lines 10-67).

Re claim 6: Devin et al. discloses an apparatus, wherein the switching means is logic circuit gate 82 (col.5, lines 28+).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Devin et al. (U.S. 6,621,720) in view of Saeki (US 2004/0099737).

The teachings of Devin et al. have been discussed above.

Devin et al. fails to specifically teach means of providing an error signal when an overload occurs.

Saeki discloses method of self-testing IC card, which includes means of providing an error signal when a malfunction occurs (paragraphs 5-9; 34+).

In view of Saeki's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Devin et al. means of providing an error signal when a malfunction occurs so as to provide an indication of an abnormal situation. Furthermore, such modification through an adjustment of the programming

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software of the reader in communication with the voltage detector and the comparator would enable detection of an abnormal condition {i.e. overloaded circuitry} and produce an error signal to alert {or in some instance automatically eject the card, as exemplified by the examiner in the cited references} the card user. Moreover, such modification would have been an obvious extension as taught by Devin et al., therefore an obvious expedient.

9. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devin et al. (U.S. 6,621,7200 in view of Grant et al. (U.S. 6,318,632).

The teachings of Devin et al. have been discussed above.

Devin et al. fails to specifically teach contact card and wherein the appliance is a digital set top or satellite receiver.

Grant et al. discloses smart card reader with electrostatic discharge protection, with includes contact card 200 {using physical contact with the reader 11} (col.) and wherein the appliance is a digital set top or satellite receiver {herein apparatus, which could be an in-home digital satellite system, a set top box} (col.4, lines 32-67).

In view of Grant et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Devin et al. contact card and wherein the appliance is a digital set top or satellite receiver so as to authorize the reception of pay television broadcasts. Furthermore, such modification would enable the service provider to control and monitor the pay-per view requests/downloads and facilitate financial transactions through the smart card. Moreover, such modification would have been an obvious extension as taught by Devin et al.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kushima (U.S. 4,785,166) discloses reader/writer for portable recording medium with power supply abnormality detection.

Vallat (U.S. 5,969,329) teaches reading frame for a microcircuit card reader apparatus.

Sakaki (U.S. 6,271,675) discloses terminal contact-type IC card having terminal contact fault detector, IC card system using the IC card, and IC for the IC card, wherein the reader can automatically eject the card in a faulty situation (col.7, lines 19-37).

Reiner (U.S. 6,474,558) teaches data carrier for operation with and without contacts.

Matsumoto et al. (U.S. 6,484,946) teaches IC card information display device and IC card for use therewith.

Takatsuki et al. (US 2003/0075599) discloses personal work environment setting method, wherein when there is an abnormality, the IC card 10 is ejected. In this case, the card reader/writer 4 is provided with the automatic loading/unloading mechanism (see paragraph 33).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395.

The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el

Edwyn Labaze
Patent Examiner
Art Unit 2876
April 13, 2006



THIEN M. LE
PRIMARY EXAMINER